S.B. Civil Writ Petition No.5757/01
Ram Gopal Choudhary Vs.University of Raj. & Anr.

19.2.2007

Hon'ble Mr.Justice Mohammad Rafiq

Mr. Anil Agarwal for petitioner.
Mr. Manish Bhandari for respondent.

This writ petition has been filed way back on 11.12.2001 with the prayer that the respondents may be directed to permit the petitioner to appear in examination of IInd B.H.M.S. Course. Subsequently, this Court by its interim order dated 18.12.2001 permitted the petitioner to provisionally appear in examination of such course and for subsequent years also he was permitted to appear therefore by order of the Court passed on 28.11.2005. The petitioner was not allowed to appear in IInd Year B.H.M.S.

course because when he appeared at second attempt of Ist Year B.H.M.S., he was declared fail securing only 98 marks in Anatomy subject and 93 marks in Physiology and Bio-chemistry subjects, whereas he was supposed to obtain 100 marks in each of them. Learned counsel for the petitioner has relied on a judgment of co-ordinate bench of this Court in Prem Chand Koli Vs. University of Rajasthan, S.B. Civil Writ Petition No.2203/03 decided on 8.4.2003 in which this Court in somewhat similar circumstances directed the respondent University to decide the representation of the petitioner in accordance with the rules relating to grant of grace marks within a period of 4 weeks.

In the facts of this case, instead of examining the matter on merits, I deem it

appropriate to direct the petitioner to make a representation to the respondent university within two weeks and the respondent University is directed to consider and decide the same within six weeks. In case eventually they decide to extend the benefit of grace marks to the petitioner, the result of all his subsequent examinations shall be declared.

With these observations, the writ petition stands disposed of with no order as to costs.

(Mohammad Rafiq),J.

RS/-